

## **MINUTES**

### **OFF-ROAD VEHICLE TRAILS ADVISORY BOARD MEETING**

**Holiday Inn Lansing-West  
7501 West Saginaw Hwy.  
Lansing, Michigan**

**May 14, 2003**

#### **Board Members Present:**

Dick Ranney, Chair  
Sheriff Nelson J. Cannon, Vice-Chair  
Adam Bump  
Richard Rondeau  
Errol Lee  
John Ford

#### **Members Absent:**

Glenn Moll

#### **Department of Natural Resources Staff Present:**

Steve Kubisiak, ORV Program Manager, Lansing  
Jim Radabaugh, State Trails Coordinator, Lansing  
Brad Smith, Law Enforcement Division, Roscommon  
Pete Lundborg, Parks and Recreation Bureau, Mears  
John Williams, Forest Mineral and Fire Management, Mio  
Robin Pearson, Forest Mineral and Fire Management, Gaylord  
Wayne Wheeler, Forest Mineral and Fire Management, Newberry  
David Fisher, Forest Mineral and Fire Management, Cadillac  
Robert Gustafson, Forest Mineral and Fire Management, Marquette

#### **Public Present:**

Bill Chapin, CCC, Rives Junction  
Greg Yager, CCC, Lansing  
Tom Gallagher, Michigan Recreation Vehicle Riders Association (MRVRA), St Helen  
Paul Mulder, Great Lakes Four Wheel Drive Association (GL4WDA), Harrison  
Virginia Hunt, Lansing Motorcycle Club, Lansing  
Mike Maurer, Lansing Motorcycle Club, Williamston  
Mel Lill, CCC, Portland  
Scott Cadwell, Twin Bay Trail Riders, Cadillac  
Jodi Moore, Great Lakes Four Wheel Drive Association, Mt. Morris  
Rick Rosebury, Great Lakes Four Wheel Drive Association, Holt  
Jeff VanCamp, Michigan All-terrain Vehicle Association, Mt. Morris  
Bill Gilbert, Michigan All-terrain Vehicle Association, Burton  
Peter Christenhusz, Great Lakes Four Wheel Drive Association, Oak Park  
Ryan Reynolds, Great Lakes Four Wheel Drive Association, Davison  
Heather Wright, Great Lakes Four Wheel Drive Association, Clio  
Josh Shuck, Great Lakes Four Wheel Drive Association, ??  
Christi Kroskie, Two Trackers 4WD Club, Michigan Jeepers, Ada  
Bruce Menning, Great Lakes Four Wheel Drive Association, Inkster  
Jeremy Vohwinkle, Great Lakes Four Wheel Drive Association, Lansing  
Pat Kinne, Great Lakes Four Wheel Drive Association, Midland  
Representative Dale Sheltrown, 103 House District  
Trini Dixon, Lansing Motorcycle Club, Lansing  
Aaron L. Young, Great Lakes Four Wheel Drive Association, Alpena

**I. INTRODUCTION**

- A. Welcome and introductions -- **Mr. Kubisiak, ORV Program Manager, Recreation and Trails Section, Forest, Mineral and Fire Management** welcomed everyone on behalf of the Department of Natural Resources. The board members and DNR staff introduced themselves.
- B. Election of Officials -- The first order of business was election of a Chair and Vice-Chair.

**Motion presented by Mr. Lee, seconded by Mr. Ford to nominate Sheriff Cannon for Chairperson. Sheriff Cannon** stated he would prefer consideration for Vice-Chair based on prior commitments and his schedule. **Mr. Rondeau** and **Mr. Ranney** volunteered to run for Chair.

Vote for Chairperson was called: Sheriff Cannon -- 2 votes, Richard Rondeau -- 0 votes, Dick Ranney -- 3 votes.

Vote for Vice-Chair was called: Sheriff Cannon -- 5 votes, unanimous.

**Chairman Ranney** called the meeting of the Off-Road Vehicle Trails Advisory Board to order at 6:55 p.m. on Wednesday, May 14, 2003.

**II. MINUTES**

- A. Acknowledge minutes of January 8, 2003 Advisory Board Meeting.

**Motion presented by Sheriff Cannon, seconded by Mr. Rondeau to accept the minutes of the January 8, 2003 Off-Road Vehicle Trails Advisory Board meeting. Motion for adoption unanimously carried.**

**III. OLD BUSINESS**

- A. Game and Fish Protection Fund Audit -- Update -- **Mr. Kubisiak** referenced Act No. 746, of 2002, that authorized the transfer of \$1,340,000.00 from the Off-Road Vehicle Trail Improvement Fund and \$560,000.00 from the Snowmobile Registration Fund to the Game and Fish Protection Fund. He explained this action was taken in response to a advisory report dated October 11, 2002, from the United States Department of Interior. He added the DNR is working on legislation to address long-term remedies regarding future ORV fund distribution. **Mr. Kubisiak** summarized proposed legislative changes and explained this is part of the Department's Corrective Action Plan (CAP) in response to the audit.

**Chairman Ranney** asked if the audit findings are correct and what other funding sources are available for Law Enforcement. **Mr. Kubisiak** stated he did not know specifics of the audit but said the process began in 1997. He said the DNR filed a number of appeals that resulted in reducing the initial audit findings from approximately \$25 million to \$2.4 million dollars. \$1.9 million is to be re-paid from the ORV and Snowmobile Registration Fund. He said that law enforcement funding is available from the ORV Trail Improvement Fund, the Recreation Improvement Fund (RIF) and the Snowmobile Registration Fund. **Chairman Ranney** thanked Mr. Kubisiak

- B. Legislation Updates – **Steve Kubisiak** reported the DNR is opposed to Senate Bill No. 110 and House Bill 4492 and referred to the DNR's analysis. He said the analysis is posted on the DNR web site, [www.michigan.gov/dnr](http://www.michigan.gov/dnr), under *Inside DNR, Laws & Legislation*.

**Motion presented by Sheriff Cannon, seconded by Mr. Lee in support of the DNR's position in opposition to SB 110. Motion for adoption unanimously carried.**

**Chairman Ranney** recognized Representative Sheltroun, and invited him to speak on HB 4492. He also requested comments from Law Enforcement.

**Representative Sheltroun** thanked the board and announced a hearing on Wednesday May 21, 2003, in Lansing, with the Committee on Conservation and Outdoor Recreation. The legislation is intended to provide improved access to persons 60 years of age or older to the designated ORV trail system. He said that trailering and unloading ORVs can be a burden on older citizens. He encouraged the board to support HB 4492 and invited them to the hearing to express their views.

**Sergeant Brad Smith, DNR Law Enforcement Division, Roscommon**, stated that the legislation would provide unlimited ORV access to certain individuals in many instances and is unenforceable, as written. He added the DNR currently facilitates increased access to State-owned lands to persons with documented disabilities.

**Sheriff Cannon, Kalkaska County**, expressed enforcement, safety and environmental concerns. He noted highway and road access safety concerns and asked Representative Sheltroun if county roads could be impacted. **Representative Sheltroun** said if a county road was used a local ordinance could be passed by the appropriate local unit authorizing ORV use. **Chairman Ranney** thanked Representative Sheltroun.

Discussion ensued. **Errol Lee** expressed concerns with age discrimination and **John Ford** said it would be difficult to control young riders.

**Motion presented by Mr. Lee, seconded by Mr. Ford in support of the DNR's position in opposition to HB 4492, as written. Motion for adoption unanimously carried.**

- C. License Program – Update – **Steve Kubisiak** summarized ORV licensing changes and referenced a press release. He said he would keep the board advised of future changes that will impact the ORV licensing program.

**Chairman Ranney** inquired about annual ORV license sales and trends. **Mr. Kubisiak** reported Michigan licensed over 150,000 ORVs last year and trends indicate ORV license sales increasing.

**Chairman Ranney** said that ORV license sales are important and requested the DNR provide the board with monthly updates. **Mr. Kubisiak** said he would advise the Grants Contracts and Customer Systems Division of this request. **Chairman Ranney** thanked Mr. Kubisiak.

- D. Sponsor Liability – Update – **Jim Radabaugh, State Trails Coordinator, Forest, Mineral and Fire Management** reported the DNR completed a preliminary legal review of statute relating to governmental immunity. He explained that the DNR was requested to research the law to determine if governmental immunity afforded to volunteers could extend to grant sponsor organizations. The review indicated sponsor organizations are

not eligible for governmental immunity, but individuals may be covered under certain circumstances. Also, because there is an exchange of money, sponsor organizations are considered contractors by the State.

He added there may be an argument to be made for grantees to be considered volunteers since they are acting on behalf of the DNR, but this would require further research and legal review. **Mr. Radabaugh** said he would keep the board informed on this issue. **Chairman Ranney** thanked Mr. Radabaugh.

- E. Sign Program – Update – **Steve Kubisiak** reported the DNR is discontinuing use of intersection signs and sponsors have been directed to replace them with stop signs. He added that trail signing is an on-going issue and that the DNR will be seeking the board's advice on this issue in the future. **Chairman Ranney** thanked Mr. Kubisiak.

#### IV. **NEW BUSINESS**

- A. Review Charge of the Off-Road Vehicle Trails Advisory Board – **Steve Kubisiak** referred the board to the charge. He said the ORV Trails Advisory Board is appointed by the Director and is responsible for advising the department on matters relating to Michigan's Off-Road Vehicle Trails Program. He reviewed specific areas of responsibility. **Mr. Kubisiak** will send the board current grants criteria and information regarding the Statewide Off-Road Vehicle plan update for further review.

**Chairman Ranney** said the board needs to establish a process to obtain public input and establish priorities for the board. **Mr. Lee** added that both the public and the board should have input on future meeting agendas. **Mr. Kubisiak** said these types of issues should be addressed in the board's By-Laws.

- B. By-laws – **Steve Kubisiak** said that currently there are no written By-Laws governing the operation of the Off-Road Vehicle Trails Advisory Board. He said this has caused some confusion between Staff and the board in the past and suggested the board their own By-Laws to establish an official business process for the record. Discussion ensued regarding public comment periods and time limits.

**Motion presented by Sheriff Cannon, seconded by Mr. Rondeau supporting establishment of a sub-committee made up of Adam Bump, Richard Rondeau and Chairman Ranney, to develop By-Laws for the Off-Road Vehicle Trails Advisory Board, for review at the July meeting. Motion for adoption unanimously carried.**

- C. 2003 Meeting Schedule – **Steve Kubisiak** said the DNR is looking at ways to reduce costs in response to Executive Directives to balance the State budget.

He stated the DNR will be reducing the number of staff attending future ORV meetings and suggested canceling the July field trip. He asked the board to review the schedule and meeting locations to see if reductions could be made. Discussion ensued about the appropriate number of meetings and location. **Chairman Ranney** suggested holding the next two meetings in Lansing and to re-visit the schedule at the September meeting.

**Motion presented by Mr. Rondeau, seconded by Mr. Lee to hold the next two meetings in Lansing on July 9 and September 10 at the Holiday Inn Lansing-West, and to re-assess future meeting needs at the September meeting. Motion for adoption unanimously carried.**

**V. PUBLIC APPEARANCE**

- A. **Bill Chapin, Executive Director, Conservation Club of Michigan**, stated his organization is opposed to recent efforts to eliminate the Off-Road Rider Education Program and On-Road Motorcycle Training Programs. He distributed a legislative alert concerning HB 4621 and SB 0462 and urged the board to oppose the bills. He urged constituent groups to contact their Representatives and Senators to express their views.
- B. **Greg Yager, Cycle Conservation Club of Michigan**, feels it is important for the public to have an opportunity to provide input during the business portion of the ORV Trails Advisory Board Meeting.
- C. **Paul Mulder, Great Lakes Four Wheel Drive Association**, expressed concerns that the DNR does not appreciate the volunteer efforts of Advisory Board Members and cited concerns with the public input process, motorized trail signing standards, trail widening, lack of volunteer training, trail liability, and single use designation of the Holton-Horseshoe Motorcycle Trail.
- D. **Scott Cadwell, Twin Bay Trail Riders**, suggested the DNR consider pooling Law Enforcement dollars and have Conservation Officers work closer with County Sheriffs on ORV enforcement efforts. He expressed concerns with uniform application of event permit application reviews, liability relating to trail signing and said he would like to see the ORV Trails Advisory Board meetings held further north of Lansing.
- E. **Virginia Hunt, Lansing Motorcycle Club**, said her organization opposes efforts to widen the ORV trails and suggested this item be added to the July agenda. She said she could provide a position statement from her organization. She also expressed concerns with the event permit process and requested quicker action and better communication with field staff.
- F. **Pat Kinne, Great Lakes Four Wheel Drive Association**, said four wheel drive trucks are ORVs and encouraged members of the Great Lakes Four Wheel Drive Association and other individuals in the audience to introduce themselves.
- G. **Trini Dixon, Lansing Motorcycle Club**, introduced herself and said this was her first ORV Trails Advisory Board meeting.

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**VI. NEXT MEETING**

Wednesday, July 9, 2003, Holiday Inn Lansing-West, 7501 W. Saginaw, Lansing, Michigan 517-627-3211.

**VII. ADJOURNMENT**

Meeting adjourned at 9:30 p.m.